

DRAFT

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD SEPTEMBER 14, 2006 AT 2:00 P.M. IN WARRENTON, VIRGINIA

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling; Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda. Mr. Downey provided an update on the progress of the joint Facilities Planning and Implementation Committee.

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS UPDATE

J. David Cubbage, Assistant Resident Engineer of the VDOT Warrenton Residency Office, briefed the Board of Supervisors on the status of specific projects within Board members' Magisterial Districts.

PRESENTATION OF THE AFFORDABLE HOUSING TASK FORCE REPORT

Anthony I. Hooper, Deputy County Administrator, presented a report from the Affordable Housing Task Force regarding affordable housing initiatives.

TRANSPORTATION IMPACT FEE

Frederick P.D. Carr, Director of Community Development, presented for Board consideration the establishment of a Transportation Impact Fee Advisory Committee, and discussed the steps required to implement Transportation Impact Fees within the Service Districts.

MONROE PARK UPDATE

Larry Miller, Director of the Department of Parks and Recreation, provided an update on the status of ongoing Monroe Park construction projects.

A CLOSED SESSION TO DISCUSS POTENTIAL ACQUISITION OF PROPERTY IN THE SCOTT AND LEE MAGISTERIAL DISTRICTS FOR PUBLIC PURPOSES PURSUANT TO SECTION 2.2-3711(A)(3) OF THE CODE OF VIRGINIA

Mr. Graham moved to go into a closed meeting, pursuant to §2.2-3711(A)(3) of the Code of Virginia, to discuss potential acquisition of real property in the Scott and Lee Magisterial Districts for public purposes, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and, pursuant to §2.2-3711(A)(7), to discuss probable litigation. The vote for the motion was unanimous as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling

Nays: None

Absent During Vote: None

Abstention: None

Upon reconvening from the closed meeting, Mr. Graham moved, without objection, to adopt the following certification.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 14th day of September 2006, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

PARKS & RECREATION BOARD RECEPTION AND PRESENTATIONS

The Board of Supervisors attended a reception hosted by the Fauquier County Parks & Recreation Board in the Warren Green Building conference room.

The meeting was reconvened in Regular Session at 6:30 p.m.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, with the following changes. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

- Add new regular agenda item #14, a Resolution to Reconsider the Denial of Special Exception Request #SPEX05-CR-015 and Approve the Special Exception Request Subject to Conditions; and renumber subsequent agenda items appropriately.

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

CITIZENS' TIME

- Lee Smith, Cedar Run District, spoke in favor of affordable housing, and urged the Board to revise the current drainfield Ordinance, which currently requires a 200% reserve, to mirror the drainfield reserve requirement for the State.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Downey presented to Linda Maroney, et al, a Proclamation to Acknowledge and Honor the Contributions of Karen E. Cosner to the Citizens of Fauquier County.
- Mr. Robison received a Proclamation to Declare October 2006 as Disability Employment Awareness Month in Fauquier County, to be presented at the next Disability Services Board meeting.
- Mr. Stribling received a Proclamation to Declare the Week of October 8-14, 2006 as Fire Prevention Week, to be presented at the next Public Safety Committee meeting.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

Approval of the Minutes for the August 10, 2006 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution Establishing an Ad Hoc Committee of the Board of Supervisors to Serve as a Steering Committee for the Celebration of Fauquier County's 250th Anniversary

RESOLUTION

A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE OF THE
BOARD OF SUPERVISORS TO SERVE AS A STEERING COMMITTEE FOR THE
CELEBRATION OF FAUQUIER COUNTY'S 250th ANNIVERSARY

WHEREAS, Fauquier County was incorporated in 1759 and will celebrate its 250th anniversary in 2009; and

WHEREAS, the Fauquier County Board of Supervisors wishes to appoint an ad hoc steering committee to plan and facilitate the anniversary events and to encourage the participation of all Fauquier County communities and citizens; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the Board of Supervisors hereby appoints the following individuals to serve on the ad hoc steering committee: Robert Sinclair, William G. Downey IV, George V. Godfrey, Catherine M. Heritage, William Peters, John Toler, Karen White and Pat Downey.

A Resolution Authorizing the County Administrator to File with the Governor of Virginia a Request to Designate Fauquier County as a Drought Disaster Area

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO FILE A REQUEST
WITH THE GOVERNOR OF VIRGINIA THAT FAUQUIER COUNTY BE DESIGNATED A
DROUGHT DISASTER AREA

WHEREAS, the drought conditions in Fauquier County have severely affected farmers; and

WHEREAS, during the growing season of this year, Fauquier County received considerably less rain than normal; and

WHEREAS, the Fauquier County Food and Agriculture Council, made up of the Farm Services Agency, the National Resource Conservation Service, and the Virginia Cooperative Extension, reports that approximately 162,000 acres of pasture land have been adversely affected within Fauquier County, at an estimated loss of \$1.8 million; and

WHEREAS, it is incumbent upon the Fauquier County Board of Supervisors to authorize the County Administrator to file a request with the Governor of Virginia that Fauquier County be designated as a drought disaster area; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the County Administrator be, and is hereby, authorized to file a request with the Governor of Virginia to declare Fauquier County a drought disaster area.

A Resolution Approving Travel Expenses in Accordance with Travel Policy and Procedures – Warrenton-Fauquier Joint Communications Center

RESOLUTION

A RESOLUTION APPROVING TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL
POLICY AND PROCEDURES – WARRENTON-FAUQUIER JOINT COMMUNICATIONS
CENTER

WHEREAS, the Fauquier County Board of Supervisors has adopted a Travel Policy and Procedures which require approval of expenditures in excess of \$1,000; and

WHEREAS, the Warrenton-Fauquier Joint Communications Center is requesting approval to send the Radio System Manager to the Motorola Training Center, scheduled for November 14-17, 2006, in Schaumburg, Illinois, which is anticipated to entail costs of approximately \$3,500; and

WHEREAS, funding has been appropriated in the FY 2007 Budget to support the expenses of this conference; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the Warrenton-Fauquier Joint Communications Center Radio System Manager be, and is hereby, granted approval to attend the Motorola Training Center and to be reimbursed for training and travel expenses.

A Resolution Approving Travel Expenses in Accordance with Travel Policy and Procedures – Parks and Recreation

RESOLUTION

A RESOLUTION APPROVING TRAVEL EXPENSES IN ACCORDANCE WITH TRAVEL
POLICY AND PROCEDURES – PARKS AND RECREATION

WHEREAS, the Fauquier County Board of Supervisors has adopted a Travel Policy and Procedures which require approval of expenditures in excess of \$1,000; and

WHEREAS, Michael Hanson, the Southern Region Superintendent of the Parks and Recreation Department, has attended the first year of training at the Supervisors Management School, geared specifically toward parks and recreation professionals; and

WHEREAS, the Fauquier County Department of Parks and Recreation is desirous of Mr. Hanson attending the second year to complete this program, on November 5-9, 2006, in Oglebay, West Virginia, which is anticipated to entail costs of approximately \$1,140; and

WHEREAS, funding has been appropriated in the FY 2007 budget to support this training; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That Michael Hanson be, and is hereby, granted approval to attend the Supervisors Management School and to be reimbursed for training and travel expenses.

A Resolution to Accept a Portion of Sowego Road (Route 611) Pursuant to Section 33.1-229, of the Code of Virginia

RESOLUTION

A RESOLUTION TO ACCEPT A PORTION OF SOWEGO ROAD (ROUTE 611) PURSUANT TO SECTION 33.1-229, OF THE CODE OF VIRGINIA

WHEREAS, the Virginia Department of Transportation has provided the Fauquier County Board of Supervisors with a sketch dated 1990 depicting the additions, discontinuances and abandonments required in the Secondary System of State Highways as a result of Project: 0611-030-202, C502 (Sowego Road (Route 611)) which is hereby incorporated herein by reference; and

WHEREAS, the new road serves the same citizens as those portions of the old road identified to be abandoned and those segments no longer serve a public need; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the Board of Supervisors requests the Virginia Department of Transportation add to the Secondary System of State Highways those portions of road identified by the sketch as Section 2 to be added, pursuant to §33.1-229, Code of Virginia; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors abandons, as part of the Secondary System of State Highways, those portions of road identified by the sketch as Section 1 to be abandoned, pursuant to §33.1-155, Code of Virginia; and, be it

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Residency Administrator of the Virginia Department of Transportation.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider Adjusting the Boundary Between the Town of Warrenton and the County to Add Two Parcels Owned by Highland School Totaling Approximately 6.2 Acres to the Town of Warrenton

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER ADJUSTING THE BOUNDARY BETWEEN THE TOWN OF WARRENTON AND THE COUNTY TO ADD TWO PARCELS OWNED BY HIGHLAND SCHOOL TOTALING APPROXIMATELY 6.2 ACRES TO THE TOWN OF WARRENTON

WHEREAS, Highland School has requested that a parcel of 6.2 acres be added to the Town of Warrenton through the boundary line adjustment process; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to schedule the proposed boundary line adjustment for public hearing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider the proposed boundary line adjustment.

A Resolution to Request the Planning Commission to Remove the “Village” Designation in the Comprehensive Plan from Parcel ID #7839-44-7577 Owned by Thomas H. Thorpe and Located in the Village of Bristersburg

RESOLUTION

A RESOLUTION TO REQUEST THE PLANNING COMMISSION TO REMOVE THE “VILLAGE” DESIGNATION IN THE COMPREHENSIVE PLAN FROM PARCEL ID # 7839-44-7577 OWNED BY THOMAS H. THORPE AND LOCATED IN THE VILLAGE OF BRISTERSBURG

WHEREAS, Thomas H. Thorpe has requested that a portion of Parcel ID #7839-44-7577, planned as Village within the Village of Bristersburg, be removed from the Village; and

WHEREAS, the Board of Supervisors has determined that it is appropriate to refer the request to remove the property from the Village to the Planning Commission for its consideration; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the Planning Commission be, and is hereby, requested to consider the removing the “Village” designation within the Comprehensive Plan with respect to Parcel # 7839-44-7577.

A Resolution to Authorize the Increase of Contract #63-05smc, with Emery & Garrett Groundwater, Inc., by the Amount of \$250,000.00, for the Groundwater Exploration and Investigations in the New Baltimore Service District, and the Initiation of Groundwater Investigations within the Marshall Service District

RESOLUTION

A RESOLUTION TO AUTHORIZE THE INCREASE OF CONTRACT #63-05SMC, WITH EMERY & GARRETT GROUNDWATER, INC., BY THE AMOUNT OF \$250,000.00, FOR THE GROUNDWATER EXPLORATION AND INVESTIGATIONS IN THE NEW BALTIMORE SERVICE DISTRICT, AND THE INITIATION OF GROUNDWATER INVESTIGATIONS WITHIN THE MARSHALL SERVICE DISTRICT

WHEREAS, on October 15, 2001, the Board of Supervisors resolved that groundwater would serve all County provided public water; and

WHEREAS, Emery & Garrett Groundwater, Inc., produced a hydrogeologic report submitted to Fauquier County in July 1992 entitled “Groundwater Resource Investigation – New Baltimore Service Area – County of Fauquier, Virginia”; and

WHEREAS, the results of that report identified thirteen (13) zones within New Baltimore that were considered hydrologically favorable for developing potable groundwater resources; and

WHEREAS, only four (4) zones have been fully investigated, four (4) zones have been partially investigated, and the remaining five (5) zones have not been investigated for groundwater development; and

WHEREAS, the exploration for groundwater availability in New Baltimore needs to be completed to support current and future public water needs; and

WHEREAS, the Marshall Service District requires zones that are favorable to groundwater development to support current and future public water needs; and

WHEREAS, in February 2005, a contract was awarded to Emery & Garrett Groundwater, Inc., for Water Resource Management and Consulting Services in the amount of \$72,000.00, and subsequently modified to the amount of \$77,500.00; and

WHEREAS, the Fauquier County Board of Supervisors appropriated \$250,000.00 in the Fiscal Year 2007 Water Resource Management Program budget for the implementation of groundwater investigation; and

WHEREAS, Procurement Policy Section 4.1.15 states that no fixed-price contract may be increased by more than 25% of the contract or \$50,000, whichever is greater, without the advance written approval of the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the Board of Supervisors does hereby authorize the issuance of a modification to increase the Emery & Garrett Groundwater, Inc., Contract #63-05smc by the amount of \$250,000.00, in order to accomplish the tasks set forth in Emery & Garrett's proposal dated August 30, 2006.

APPOINTMENTS

No appointments were made.

A RESOLUTION TO IMPLEMENT RECOMMENDATIONS CONTAINED IN THE AFFORDABLE HOUSING TASK FORCE REPORT

Mr. Downey moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO IMPLEMENT RECOMMENDATIONS CONTAINED IN THE AFFORDABLE HOUSING TASK FORCE REPORT

WHEREAS, the Fauquier County Board of Supervisors recognizes the lack of and need for affordable housing for citizens and employees of the County; and

WHEREAS, the Fauquier County Board of Supervisors approved an Affordable Housing contingency reserve budget in the amount of \$289,000 in the Fiscal Year 2007 Budget; and

WHEREAS, the Fauquier County Board of Supervisors has received and reviewed a report with recommendations from the Affordable Housing Task Force; and

WHEREAS, there are recommendations in the report requiring immediate action to begin work on affordable housing issues; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That an Affordable Housing Committee be, and is hereby, appointed comprising representatives currently participating on the Affordable Housing Task force; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, directed to request the Towns of The Plains and Remington to designate representatives to be appointed to the Affordable Housing Committee; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors shall appoint representatives from the private sector, representing each magisterial district, to participate on the Affordable Housing Committee; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors hereby designates the Affordable Housing Task Force Report presented on this date as the Charter to the Affordable Housing Committee; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby directed, to take the appropriate steps required to classify, recruit, and hire a full-time, permanent staff person to focus on affordable housing issues only, supporting the Board of Supervisors' affordable housing goals and the work of the Affordable Housing Committee, and working with local non-profit agencies addressing this problem in the County, using a portion of the affordable housing reserve budget to fund the position.

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING TO PROVIDE FINANCIAL AND PERSONNEL SERVICES TO SUPPORT THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey;
Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING TO PROVIDE FINANCIAL AND PERSONNEL SERVICES TO SUPPORT THE VINT HILL ECONOMIC DEVELOPMENT AUTHORITY

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006,
That the Memorandum of Understanding to continue providing personnel and financial services for
Vint Hill Economic Development Authority be, and is hereby, approved; and, be it,

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to sign
the Memorandum of Understanding on behalf of Fauquier County.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, made this ____ day of _____ 2006, by and between the
VINT HILL ECONOMIC DEVELOPMENT AUTHORITY, a political subdivision of the Commonwealth of Virginia
(hereinafter the "VHEDA") and the **BOARD OF SUPERVISORS OF FAUQUIER COUNTY**, a body politic (hereinafter
the "Board").

I. RECITALS.

A. WHEREAS, the VHEDA is interested in acquiring services for the provision of its human resources and
financial operations; and

B. WHEREAS, the County is willing to provide human resources and financial services to the VHEDA
upon the terms and conditions contained herein; and

C. WHEREAS, the VHEDA has adopted, for purposes of ease in handling payroll, procedures identical in
many respects to the County's established procedures for financial and human resources functions; and

D. WHEREAS, Virginia Code Section §15.1-1329 permits the VHEDA to enter into contracts and other
instruments necessary or convenient to the exercise of its powers and also permits the VHEDA to do any and all acts and
things which may be reasonably necessary and convenient to carry out its purposes and powers; and

E. WHEREAS, Virginia Code §15.1-21 permits political subdivisions to jointly exercise their powers; now,
therefore,

WITNESSETH:

II. CONSIDERATION.

That in consideration of the mutual covenants and promises contained herein, the VHEDA and Board agree as follows:

III. TERMS.

- A. **Length of Agreement.** The agreement shall be for a term from the date of its execution from **July 1, 2006** through **June 30, 2009**. The agreement shall be for the length of three years, unless either party receives notice of termination at least three months prior to **June 2009**. Any renewal after **June 30, 2009**, shall be at the mutual consent of both parties.
- B. **Payment for Services Rendered Under the Agreement.** The VHEDA shall transfer funds from its bank accounts to a bank account of the County at least one day prior to each payday. The amount to be transferred will be sufficient to cover an estimate of one payroll and fringe benefits actual costs in trust with the County to be used by the County to pay actual payroll and fringe benefit costs associated with the County's provision of services to VHEDA. If payroll and fringe benefits costs exceed the amount the VHEDA has transferred for that pay period and any surplus the County holds in trust, the County will notify the VHEDA of the shortage and the VHEDA will transfer additional funds within one week's notice of the shortfall. VHEDA shall pay the County \$12,500 per year at the beginning of the fiscal year for providing the human resource and financial operation services. VHEDA shall pay \$6,250 for retroactive services provided for fiscal year 2006 by September 10, 2006. The fiscal year 2007 payment shall be provided by September 10, 2006. All subsequent years payments for services shall be provided by July 30 of the fiscal year in which support is provided.
- C. **Scope of Services.** During the term of this agreement, the Board will provide to the VHEDA the following services:
1. **Financial accounting services consisting of:**
 - Creation and maintenance of a separate company general ledger;
 - payroll services;
 - preparation of agency fund financial statements;
 - creation and maintenance of leave balance system;
 - preparation and maintenance of tax records;
 - remittance of withholdings to appropriate taxing authorities, retirement administrators and insurance companies; and
 - preparation and reconciliation of billings, recording of deposits from VHEDA and reconciliation of outstanding receivable/payable between County and VHEDA.
 2. **Human Resource services consisting of:**
 - preparation and maintenance of salary information;
 - orientation of new employees;
 - administration of health insurance benefits;
 - provide and maintain fringe benefits programs;
 - maintain and process service records for Virginia Retirement System (VRS); and
 - provide exit services for all terminating employees to include COBRA administration.

- D. **Adoption of County Policies.** During the term of this agreement, the VHEDA agrees to adopt those human resources and finance policies and procedures in use by the County of Fauquier which are acceptable to it in its sole discretion. VHEDA shall adopt any acceptable amendments thereto in a timely fashion so as to continue the guidelines, policies and procedures in an acceptable manner with those of the County throughout the term of this agreement. Notwithstanding the foregoing, VHEDA is and shall remain a completely autonomous entity, independent in all respects from the control or auspices of the County, and shall have the right to employ, terminate, establish work hours, pay scales and position classifications independently of County policies and procedures. Further, this agreement shall in no way restrict the VHEDA from developing policies and procedures which may be inconsistent with the County of Fauquier. Adoption of such policies and procedures may be cause to terminate this agreement.
- E. **Creation of Interaction Plan.** VHEDA and County Departments of Human Resources and Finance shall develop interaction protocols and guidelines acceptable to all entities. Such protocols shall include any deadlines and timeframes for the exchange of information and provision of services.
- F. **Obligations Subject to Appropriation.** The obligations of VHEDA and the Board shall be subject to the appropriation of funds by each entity sufficient to meet the obligations imposed hereunder. Should either entity fail to appropriate sums sufficient to meet its obligations under this agreement, the agreement shall terminate upon the last day for which sufficient funds have been appropriated and upon termination all parties shall be released from any and all liabilities hereunder.
- G. **Choice of Law.** This agreement shall be construed under the laws of Virginia.
- H. **Supcesion.** This agreement shall replace and supersede the Memorandum of Agreement adopted by the Fauquier County Board of Supervisors and the Vint Hill Farms Economic Authority of July 16, 1997.
- I. **Survival of Terms.** Should any provisions of this agreement be invalidated by a court of competent jurisdiction, all other provisions of this agreement shall remain valid and enforceable.

WITNESS the following signatures and seals:

BOARD OF SUPERVISORS OF FAUQUIER COUNTY, a Body
Politie

By _____

VINT HILL ECONOMIC DEVELOPMENT AUTHORITY, a
Political Subdivision of the Commonwealth of Virginia

By _____

DATE APPROVED _____

PAYROLL PROCEDURES
Vint Hill Economic Development Authority

1. Fauquier County Finance will set up payroll accounts for the staff of the VHEDA under the general ledger of the County. These accounts will include salaries and fringe benefits.
2. Each month the VHEDA will submit payroll information to the Payroll Division in accordance with County policies and procedures.
3. The Human Resources Department and the Payroll Division will prepare the direct deposit and record the necessary information for taxes, health insurance, life insurance, retirement, leave, FICA, unemployment insurance, and any other deductions available to County employees, excluding workman's compensation.
4. Staff of the VHEDA will pick up the direct deposit pay stubs at the same time as County employees.
5. The VHEDA will advance the amount of the payroll including all expenses for fringe benefits and other deductions.
6. The Payroll Division of Fauquier County will prepare and submit all necessary reports for taxes, insurance, FICA, and any other deductions that apply to VHEDA staff.

Vivian McGettigan, Director of Finance
Fauquier County

Date

Richard H. Reiss, Director
Vint Hill Economic Development Authority

Date

HUMAN RESOURCES PROCEDURES
Vint Hill Economic Development Authority

1. Wherever the VHEDA does not have a separate procedure, policy, or guideline the Fauquier County Human Resources procedures, policies, guidelines, and deadlines will be followed. The VHEDA retains the right to employ, terminate, establish work hours, and establish pay scales and position classifications independently of County policies and procedures and to adopt policies which may differ from the County.
2. The VHEDA will submit Personnel Action Notification (PAN) forms to Human Resources in accordance with guidelines and deadlines established by Human Resources. PANs from the VHEDA will be approved by the Director of the VHEDA and do not have to be approved by County Administration. Human Resources will follow the same procedures for acting on PANs from the VHEDA as it follows for PANs from County Departments.

3. The Human Resources Department will maintain employee files for each employee of the VHEDA. Employees of the VHEDA will contact the Human Resources Department on all matters relating to fringe benefits, tax information, leave information, and salary.
4. The Human Resources Department will include employees of the VHEDA in all fringe benefits programs of the County excluding the sick leave bank.
5. The VHEDA reserves the right to interpret the Human Resources Policies adopted by the VHEDA. Employee questions regarding interpretation should be directed to the Director of the VHEDA. Where necessary, the Director of the VHEDA will confer with the Human Resources Department of any interpretation that applies to the VHEDA staff that may differ from County practice.

Janelle Downes, Director of Human Resources
Fauquier County

Date

Richard H. Reiss, Director
Vint Hill Economic Development Authority

Date

A RESOLUTION TO APPROVE THE CULVER FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO APPROVE THE CULVER FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

WHEREAS, on May 19, 2003, the applicants Russell and Lisa Culver were the recipients of a family transfer parcel; and

WHEREAS, Section 2-39.3(A)(3) of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicants are unable to build a house on the family parcel; and

WHEREAS, Section 2-39(14) of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the requirement that Russell and Lisa Culver hold this family transfer parcel for a period of ten (10) years be, and is hereby, reduced so that the parcel may be transferred to a non-immediate family member.

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH ROBERT C. FALLOWS AND KITTY D. FALLOWS

Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A LEASE AGREEMENT WITH ROBERT C. FALLOWS AND KITTY D. FALLOWS

WHEREAS, the County of Fauquier operates the New Baltimore convenience site; and

WHEREAS, a portion of the New Baltimore convenience site is located on real property owned by Robert C. and Kitty D. Fallows, as shown on the plat entitled "Plat Showing Improvement Survey on Parcel 1" prepared by Edwin J. Dodd, Jr., Land Surveyor, dated May 29, 2006; and

WHEREAS, the County desires to lease the aforesaid property from Robert C. and Kitty D. Fallows on the terms and conditions set forth below; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the County Administrator be, and is hereby, authorized to execute a lease of real property with Robert C. and Kitty D. Fallows, being a portion of the New Baltimore convenience site as shown on the aforesaid plat, on the terms and conditions set forth below:

1. The term of the lease shall be for five years.
2. The monthly rental payment shall be \$300.00 per month with a back payment of \$300 per month for 46 months due upon execution of the lease.
3. Convenience site lights will be turned off when the convenience center is closed.
4. The County will include the Fallows as secondary insured on its insurance policies and shall, to the extent permitted by law, indemnify and hold the Fallows harmless for any personal injury or other damage resulting from the County's lease of the site.

5. The County will pay the cost of the Fallows' survey and attorney's fees associated with the lease, such payments to be due upon execution of the lease.
6. On termination of the lease, the County will consult with VDOT to determine whether VDOT wishes to retain the asphalt surface for VDOT road purposes. If VDOT does not wish to retain the asphalt, the County will remove all improvements and will restore the property to its original condition including reseeding and resodding as necessary.
7. The County will replace any trees which were removed from the Fallows property. The parties will meet on site to determine the location and type of trees to be replaced.

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF FAUQUIER, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$39,615,000

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY OF FAUQUIER, VIRGINIA, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$39,615,000

At a regular meeting of the Board of Supervisors of Fauquier County, Virginia, held on the 14th day of September, 2006, at the time and place established by the Board of Supervisors for its regular meetings in accordance with Section 15.2-1416 of the Code of Virginia of 1950, as amended, at which the following members were present and absent during the voting on the resolution referred to below:

PRESENT: Raymond E. Graham, Chairman, Cedar Run District Supervisor
 Harry F. Atherton, Vice Chairman, Marshall District Supervisor
 William G. Downey, Scott District Supervisor
 Richard W. Robison, Center District Supervisor
 Chester W. Stribling, Lee District Supervisor

ABSENT: None

the following resolution was adopted by the affirmative roll-call vote of a majority of the members of the Board of Supervisors, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Raymond E. Graham	Aye
Harry F. Atherton	Aye

William G. Downey
Richard W. Robison
Chester W. Stribling

Aye
Aye
Aye

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL BONDS, SERIES 2006, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$39,615,000 OF FAUQUIER COUNTY, VIRGINIA, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF

WHEREAS, the issuance of \$39,615,000 general obligation school bonds of Fauquier County, Virginia (the "County"), was authorized by a resolution adopted by the Board of Supervisors (the "Board") on December 9, 2004, and approved by the qualified voters of the County at an election held on March 15, 2005, to finance the acquisition, construction and equipping of a new high school in the County (the "Project"), none of which bonds have been issued and sold; and

WHEREAS, the County administration, in consultation with BB&T Capital Markets, a division of Scott & Stringfellow, Inc., the County's financial advisor (the "Financial Advisor"), has recommended to the Board that the County issue and sell a single series of general obligation school bonds in the maximum aggregate principal amount of \$39,615,000 to pay a portion of the costs of the Project and the costs incurred in connection with issuing such bonds;

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

Issuance of Bonds. There shall be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, general obligation school bonds of the County in the maximum aggregate principal amount of \$39,615,000 (the "Bonds") to provide funds to pay a portion of the costs of the Project and the costs incurred in connection with issuing the Bonds.

Bond Details. The Bonds shall be designated "General Obligation School Bonds, Series 2006," shall be in registered form, shall be dated such date as may be determined by the County Administrator (the "County Administrator," which term as used herein shall include any Deputy County Administrator), shall be in denominations of \$5,000 and integral multiples thereof and shall be numbered R-1 upward. Subject to Section 8, the issuance and sale of the Bonds are authorized on terms as shall be satisfactory to the County Administrator; provided, however, that the Bonds shall (a) have a "true" or "Canadian" interest cost not to exceed 6.00% (taking into account any original issue discount or premium), (b) be sold at a price not less than 100% of the original aggregate principal amount thereof (excluding any original issue discount) and (c) mature or be subject to mandatory sinking fund redemption in annual installments ending no later than December 31, 2026.

Each Bond shall bear interest from its date at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, payable semiannually on dates determined by the County Administrator. Principal and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on a date prior to each interest payment date that shall be determined by the County Administrator (the "Record Date"). Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

Initially, one Bond certificate for each maturity of each series of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The County has heretofore entered into a Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the County discharges its responsibilities hereunder, or (b) the County in its sole discretion determines (i) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (ii) to select a new Securities Depository, then the Finance Director of the County shall, at the direction of the County, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee, or authenticate and deliver certificated Bonds to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 5; provided, however, that such form shall provide for interest on the Bonds to be payable (A) from the date of the Bonds if they are authenticated prior to the first interest payment date, or (B) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the Finance Director of the County shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 7.

So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the County shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

Redemption Provisions. The Bonds may be subject to redemption prior to maturity at the option of the County on or after dates, if any, determined by the County Administrator, in whole or in part (in \$5,000 integrals) at any time, at a redemption price equal to the principal amount of the Bonds, together with any interest accrued to the redemption date, plus a redemption premium not to exceed 2% of the principal amount of the Bonds, such redemption premium to be determined by the County Administrator.

Any term Bonds may be subject to mandatory sinking fund redemption upon terms determined by the County Administrator.

If less than all of the Bonds are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the Finance Director of the County in such manner as he may determine to be in the best interest of the County. If less than all the Bonds of a particular maturity are called for redemption, the Bonds within such maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be

considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The County shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the Bonds. The County shall not be responsible for giving notice of redemption to anyone other than DTC or another qualified securities depository then serving or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

In the case of an optional redemption, the notice may state that (1) it is conditioned upon the deposit of moneys, in an amount equal to the amount necessary to effect the redemption, no later than the redemption date or (2) the County retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and optional redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described herein. Any Conditional Redemption may be rescinded at any time. The County shall give prompt notice of such rescission to the affected Bondholders. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute an event of default. Further, in the case of a Conditional Redemption, the failure of the County to make funds available on or before the redemption date shall not constitute an event of default, and the County shall give immediate notice to all organizations registered with the Securities and Exchange Commission as securities depositories or the affected Bondholders that the redemption did not occur and that the Bonds called for redemption and not so paid remain outstanding.

Execution and Authentication. The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice Chairman of the Board, shall be countersigned by the manual or facsimile signature of the Clerk or Deputy Clerk of the Board and the Board's seal shall be affixed thereto; provided, however, that if both of such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature of the Registrar or if a bank has been appointed registrar pursuant to Section 7, an authorized officer or employee of such bank and the date of authentication noted thereon.

Bond Form. The Bonds shall be in substantially the form attached hereto and incorporated herein by this reference as Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds.

Pledge of Full Faith and Credit. The full faith and credit of the County are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Board shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

Registration, Transfer and Owners of Bonds. SunTrust Bank (or any successor entity), Richmond, Virginia, is hereby appointed paying agent and registrar for the Bonds (the "Registrar"). The Registrar shall maintain registration books for the registration and registration of transfers of Bonds. Upon presentation and surrender of any Bonds to the Registrar, or its corporate trust office if the Registrar is a bank or trust company, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute and the Registrar shall authenticate, if required by Section 4, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in

names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

Sale of Bonds. The Bonds shall be sold by competitive bid. The County Administrator shall determine (a) the interest rates of the Bonds, maturity schedule of the Bonds and the price to be paid for the Bonds, subject to the limitations set forth in Section 2, (b) the redemption provisions of the Bonds, subject to the limitations set forth in Section 3 and (c) the dated date, the principal and interest payment dates and the Record Date of the Bonds, all as the County Administrator determines to be in the best interests of the County.

The County Administrator shall receive bids for the Bonds and award the Bonds to the bidder providing the lowest "true" or "Canadian" interest cost, subject to the limitations set forth in Section 2. Following the sale of the Bonds, the County Administrator shall file a certificate with the Clerk of the Board setting forth the final terms of the Bonds. The actions of the County Administrator in selling the Bonds shall be conclusive, and no further action shall be necessary on the part of the Board.

Notice of Sale. The County Administrator, in collaboration with the Financial Advisor, is authorized and directed to take all proper steps to advertise the Bonds for sale substantially in accordance with the form of Notice of Sale, copies of which have been presented to this meeting, which is hereby approved; provided that the County Administrator, in collaboration with the Financial Advisor, may make such changes in the Notice of Sale not inconsistent with this Resolution as he may consider to be in the best interest of the County.

Official Statement. The draft of a Preliminary Official Statement describing the Bonds, copies of which have been provided to the members of the Board, is approved as the form of the Preliminary Official Statement by which the Bonds will be offered for sale, with such completions, omissions, insertions and changes not inconsistent with this Resolution as the County Administrator, in collaboration with the Financial Advisor, may consider appropriate. The County Administrator is authorized and directed to execute an Official Statement in final form (the "Official Statement") and deliver it to the purchaser of the Bonds. The Official Statement shall be in substantially the form of the Preliminary Official Statement submitted to this meeting, with such completions, omissions, insertions and other changes as may be approved by the County Administrator, in collaboration with the Financial Advisor, the execution thereof by the County Administrator to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. The County shall arrange for the delivery to the purchaser of the Bonds of a reasonable number of copies of the final Official Statement, within seven business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the purchaser initially sells Bonds.

Official Statement Deemed Final. The County Administrator is authorized, on behalf of the County, to deem the Preliminary Official Statement and the Official Statement in final form, each to be final as of its date within the meaning of Rule 15c2-12 (the "Rule") of the Securities and Exchange Commission (the "SEC"), except for the omission in the Preliminary Official Statement of certain pricing and other information permitted to be omitted pursuant to the Rule. The distribution of the Preliminary Official Statement and the Official Statement in final form shall be conclusive evidence that each has been deemed final as of its date by the County, except for the omission in the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule.

Preparation and Delivery of Bonds. After the Bonds have been awarded, the Chairman or Vice Chairman and the Clerk or Deputy Clerk of the Board are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the purchaser thereof upon payment therefor.

Arbitrage Covenants. The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereof (the “Code”), or otherwise cause interest on the Bonds to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

Non-Arbitrage Certificate and Elections. Such officers of the County as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County.

Limitation on Private Use. The County covenants that it shall not permit the proceeds of the Bonds or the facilities financed with the proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

Continuing Disclosure Agreement. The Chairman or Vice-Chairman of the Board or the County Administrator, any of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary to assist the purchaser of the Bonds in complying with the provisions of the Rule promulgated by the SEC. Such continuing disclosure agreement shall be substantially in the form of Appendix C to the draft Preliminary Official Statement presented to this meeting, with such completions, omissions, insertions and changes that are not inconsistent with this Resolution.

SNAP Investment Authorization. The Board has received and reviewed the Information Statement (the “Information Statement”) describing the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) and the Contract Creating the State Non-Arbitrage Program Pool I (the “Contract”), and the Board has determined to authorize the County Treasurer to utilize SNAP in connection with the investment of the proceeds of the Bonds, if the County Administrator determines that the utilization of SNAP is in the best interest of the County. The Board acknowledges

that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

Other Actions. All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

Effective Date. This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of Fauquier County, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the 14th day of September, 2006, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the Board of Supervisors of Fauquier County, Virginia, this 14th day of September, 2006.

Clerk, Board of Supervisors, Fauquier County,
Virginia

(SEAL)

EXHIBIT A

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED
No. R-1

REGISTERED
\$_____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
FAUQUIER COUNTY

General Obligation School Bond
Series 2006

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____%		_____, 2006	____ _

REGISTERED OWNER: CEDE & CO.
PRINCIPAL AMOUNT:

DOLLARS

Fauquier County, Virginia (the “County”), for value received, promises to pay, upon surrender hereof to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon from its date semiannually on each _____ and _____, beginning _____, _____, at the annual rate stated above, calculated on the basis of a 360-day year of twelve 30-day months. Principal, premium, if any, and interest are payable in lawful money of the United States of America by SunTrust Bank (or any successor entity), Richmond, Virginia, who has been appointed paying agent and registrar for the bonds (the “Registrar”).

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company, New York, New York (“DTC”), and the payment of principal, premium, if any, and interest, the providing of notices and other matters shall be made as described in the County’s Blanket Letter of Representation to DTC.

This bond is one of an issue of \$_____ General Obligation School Bonds, Series 2006, of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity. The bonds were authorized by a resolution adopted by the County Board of Supervisors on December 9, 2004, and were approved by the qualified voters of the County at a referendum held on March 15, 2005. The bonds are issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, and a resolution adopted by the County Board of Supervisors on September [14], 2006, to provide funds to finance the acquisition, construction and equipping of a new high School in the County and to pay the cost of issuing the bonds.

Bonds maturing on or before _____, _____, are not subject to redemption prior to maturity. Bonds maturing on or after _____, _____, are subject to redemption prior to maturity at the option of the County on or after _____, _____, in whole or in part (in integrals of \$5,000) at any time, upon payment of the following redemption prices (expressed as a percentage of principal amount of bonds to be redeemed) plus interest accrued and unpaid to the redemption date:

Period During Which Redeemed <u>Both Dates Inclusive</u>	Redemption <u>Price</u>
_____, _____, to _____, _____	_____%
_____, _____, to _____, _____	_____
_____, _____, and thereafter	_____

If less than all of the bonds are called for redemption, the maturities of the bonds to be redeemed shall be selected by the Finance Director of the County in such manner as may determined to be in the best interest of the County. If less than all the bonds of a particular maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor securities depository pursuant to its rules and procedures or, if the book entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting bonds for redemption, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. The County shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to DTC or its nominee as the registered owner of the bonds. If a portion of this bond is called for redemption, a new bond in principal amount of the unredeemed portion hereof shall be issued to the registered owner upon surrender hereof.

The County may give a notice of redemption prior to a deposit of redemption moneys if such notice states that the redemption is to be funded with the proceeds of a refunding bond issue and is conditioned on the deposit of such proceeds. Provided that moneys are deposited on or before the redemption date, such notice shall be effective when given. If such proceeds are not available on the redemption date, such bonds will continue to bear interest until paid at the same rate they would have borne had they not been called for redemption. On presentation and surrender of the bonds called for redemption at the place or places of payment, such bonds shall be paid and redeemed.

The full faith and credit of the County are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Board shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay when due the principal of and premium, if any, and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and premium, if any, and interest on the bond and the exercise of all rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the [15th] day of the month preceding each interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of Fauquier County, Virginia, has caused this bond to be issued in the name of Fauquier County, Virginia, to be signed by its Chairman, its seal to be affixed hereto and countersigned by the Clerk of the Board, and this bond to be dated _____, 2006.

COUNTERSIGNED:

_____	(SEAL)	_____
Clerk, Board of Supervisors of Fauquier County, Virginia		Chairman, Board of Supervisors, Fauquier County, Virginia

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFeree:

_____	:	_____
_____	:	_____
_____	:	_____

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____, Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union or Savings Association who is a member of a medallion program approved by The Securities Transfer Association, Inc.

(Signature of Registered Owner)

NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

A RESOLUTION TO AUTHORIZE THE PURCHASE OF EQUIPMENT FOR THE OPERATION OF THE CONSTRUCTION DEMOLITION AND DEBRIS (CD&D) RECYCLING FACILITY

Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE PURCHASE OF EQUIPMENT FOR THE OPERATION OF THE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING FACILITY

WHEREAS, the Board of Supervisors has previously authorized the establishment of a recycling center to process construction and demolition debris; and

WHEREAS, on August 30, 2006, multiple bids were received for the purchase of heavy equipment required to operate the program; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this the 14th day of September 2006, That the County Administrator be, and is hereby, authorized to execute contracts for the

purchase from Stafford Equipment of two rubber tire loaders in the amount of \$395,000 and a small excavator in the amount of \$114,500, and from Theros Equipment a large excavator in the amount of \$154,950.

A RESOLUTION TO RECONSIDER THE DENIAL OF SPECIAL EXCEPTION REQUEST #SPEX 05-CR-015 AND APPROVE THE SPECIAL EXCEPTION REQUEST SUBJECT TO CONDITIONS

Mr. Graham moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Harry Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO RECONSIDER THE DENIAL OF SPECIAL EXCEPTION REQUEST
SPEX 05-CR-015 AND APPROVE THE SPECIAL EXCEPTION REQUEST SUBJECT TO
CONDITIONS

WHEREAS, on May 12, 2005, the Board of Supervisors denied the above-referenced special exception request; and

WHEREAS, the applicants filed suit against the County challenging the denial, Civil Action No. CH05-132; and

WHEREAS, the County and the applicants have agreed to settle the pending litigation, subject to County approval of the Special Exception request as conditioned herein; and

WHEREAS, on September 8, 2006, pursuant to that agreement the Circuit Court of Fauquier County entered a consent decree remanding this matter to the Board of Supervisors for reconsideration; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the denial of Special Exception Request #SPEX 05-CR-015 be, and is hereby, reconsidered; and, be it

RESOLVED FURTHER, That Special Exception Request #SPEX05-CR-015 as conditioned herein is hereby determined to be appropriate and consistent with good zoning practice; and, be it

RESOLVED FINALLY, That Special Exception Request #SPEX05-CR-015 be, and is hereby, approved, subject to the conditions set forth below, and that the County Attorney is hereby authorized to take such steps as are necessary to obtain the dismissal of Civil Action #CH05-132 in accordance with this approval.

CONDITIONS APPLICABLE TO CATEGORY 20 SPECIAL EXCEPTION

1. The Special Exception is granted for and runs with the land indicated in this application, also known as PINs 7931-25-3530-000 & 7931-25-0088-000, and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. Prior to land disturbance, the applicant shall provide a Grading Plan for the proposed Aquarobic Filter bed wastewater treatment facilities for review and approval by the County Engineer and the Health Department.
4. The applicant shall provide a Site Plan for the Aquarobic Filter bed wastewater treatment facilities, pursuant to Article 12 of the Zoning Ordinance.
5. The two Aquarobic Filter bed wastewater treatment facilities shall be in general conformance, subject to final engineering, with the Special Exception Plats entitled "Filter Bed: Russell L. Runyon Estate Lot 4-R & Filter Bed: Russell L. Runyon Estate Lot 2-R" dated December 7, 2004 and the Special Exception Plat dated October 25, 2004, all received in the Planning Office on February 4, 2005.
6. The two (2) Aquarobic Filter Bed systems proposed shall each be designed to serve a two (2) bedroom, single-family dwelling unit with an occupancy limited to four (4) persons.
7. The applicant shall, during the construction of the homes, provide temporary safety fencing twenty (20) feet beyond the perimeter of the drainfields (mounds) and reserve area, if installed prior to completion of the construction of the home, to ensure no excavation and construction activities would render the sites void.
8. Evidence of a maintenance and monitoring agreement from a state licensed laboratory, company or business and a report on the status of the permitted system shall be submitted annually to the Health Department and to the Zoning Department to ensure compliance with this Special Exception.
9. The applicant shall maintain the plants and woody vegetation as shown in the engineered design of the system. These plants shall be maintained on a regular basis and replaced if any die back or do not thrive.
10. No drainfield or reserve drainfield or any part thereof shall be located within the 100 year floodplain.

SUPERVISORS' TIME

- Mr. Robison announced that on Saturday, September 16, 2006, is the annual Fall Farm Tour; a Fauquier Leadership Event at Vint Hill; and the annual Evening Under the Stars in Warrenton. Mr. Robison announced that September 30, 2006, is Warrenton-Fauquier Heritage Day; and the Fauquier Farm Bureau Plant Sale at the Fauquier Fair Grounds. Mr. Robison announced that the Warrenton Chapter of the American Red Cross is in need of donors and for a limited time will be offering free tee-shirts, and entries for an opportunity to win a Jeep Liberty.
- Mr. Stribling announced that on Saturdays from 9AM until 12 PM the Farmers Market will be open at Monroe Park; and on Saturday, September 16, 2006, the Gold Mining Jubilee and parade will be held at Monroe Park from 3 PM until 6PM. Mr. Stribling offered accolades to the contractor and the County for keeping the new construction at Monroe Park on time and under budget. Mr. Stribling encouraged citizens to follow and take personal interest in their favorite County projects. Mr. Stribling also encouraged citizens to remain aware of the progress of the new high school construction and to communicate any concerns with the Board of Supervisors and School Board members.
- Mr. Atherton announced that Saturday, September 16, 2006, is Hume Day at the Leeds Ruritan Park in Marshall, with several concessionaires and a variety of activities, including a jousting tournament, and he invited citizens to enjoy the events of the day.
- Mr. Graham announced that on Friday, September 15, 2006, the Working Together Committee will host a charity golf tournament at Kastle Greens Golf Club. Mr. Graham announced that on Saturday, September 16, 2006, at 1:00 PM, he and Paul McCulla will participate in a milking contest at Leonard Farm in Catlett, and he encouraged citizens to visit this, and other Fall Farm Tours events. Mr. Graham stated that on Saturday, September 16, 2006, from 3:00 PM until 7:00 PM will be a family picnic and community event at Vint Hill, and will be an opportunity to citizens to meet several of their elected representatives and legislators. Mr. Graham regretfully announced that the Optimist Club has disbanded, and stated it will be a loss to the community. Mr. Graham asked staff to consider the possibility of combining mailings of automobile decal invoices to be included with personal property tax bills. Mr. Graham stated he would like to sponsor a work session to review the Transient Occupancy Tax.

ANNOUNCEMENTS

- Mr. McCulla announced that the next regular meeting of the Board of Supervisors will be held at 6:30 PM on Thursday, October 12, 2006, in the Warren Green meeting room, located at 10 Hotel Street, in Warrenton, Virginia.

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$730,207 AND AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$1,927,259

A public hearing was held to consider various budget related issues in the amount of \$730,207 in appropriations for FY 2006, and \$1,056,199 in appropriations and \$871,060 in transfers for FY

2007. Bryan Tippie, Budget Director, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$730,207 AND AMEND THE FY 2007 ADOPTED BUDGET IN THE AMOUNT OF \$1,927,259

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2005, the Board of Supervisors adopted the Fauquier County FY 2006 Budget and on March 30, 2006 adopted the Fauquier County FY 2007 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its July meeting the Finance Committee has recommended FY 2006 budget adjustments of \$730,207 and for FY 2007 budget adjustments of \$1,927,259 for the purposes set forth below; and

WHEREAS, on September 14, 2006, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the FY 2006 Budget be, and is hereby, amended in the amount of \$730,207 and the FY 2007 Budget amended in the amount of \$1,927,259 as follows:

<i>Source</i>	<i>FROM Code</i>	<i>Amount</i>	<i>Department</i>	<i>TO Code</i>	<i>Amount</i>
<u>FY 2006</u>					
Rental Fee	3-100-152200-0004	\$8,700	General Services	4-100-043450-5120	\$8,700
Federal Funds	3-100-331000-0046	\$2,025	Sheriff's Office	4-100-031200-6031	\$1,746
				4-100-031200-3600	\$279
Availability Fees	3-310-162000-0010	\$36,000	Airport (Utility Fund)	4-310-81722-3160	\$36,000
Interest Earnings	3-302-151000-0010	\$683,482	Northern Sports Complex	4-302-71141-3140	\$683,482
<u>FY 2007</u>					
State Funds	3-504-244740-0020	\$1,004,211	Airport	4-504-092100-3310	\$1,004,211
Landfill Tipping Fees	3-513-162200-0001	\$42,936	Adult Court Services	4-100-021730-1101	\$27,871
				4-100-021730-2100	\$2,132
				4-100-021730-2210	\$3,484
				4-100-021730-2310	\$4,066

				4-100-021730-2400	\$390
				4-100-021730-6008	\$3,119
				4-100-021730-6005	\$1,874
Carryover	3-100-419000-0010	\$9,052	Commonwealth's Attorney's Office	4-100-022110-9999	\$9,052
Capital Fund (Transfer)	4-302-12120-8303	\$620,000	Sports Complexes	4-302-71140-8512	\$620,000
General Fund Departments (Transfer)	4-100-011010-5230	\$5,200	Information Technology	4-100-012511-5230	\$211,883
	4-100-012110-5230	\$6,000			
	4-100-012210-5230	\$4,000			
	4-100-012310-5230	\$6,640			
	4-100-012410-5230	\$5,200			
	4-100-012600-5230	\$4,500			
	4-100-012721-5230	\$10,100			
	4-100-012727-5230	\$500			
	4-100-012840-5230	\$2,705			
	4-100-012900-5230	\$1,750			
	4-100-012910-5230	\$1,000			
	4-100-013200-5230	\$2,700			
	4-100-021100-5230	\$3,500			
	4-100-021200-5230	\$5,900			
	4-100-021300-5230	\$1,270			
	4-100-021500-5230	\$4,300			
	4-100-021600-5230	\$7,000			
	4-100-021700-5230	\$3,500			
	4-100-021710-5230	\$3,500			
	4-100-022100-5230	\$5,200			
	4-100-031200-5230	\$22,400			
	4-100-032420-5230	\$6,800			
	4-100-033200-5230	\$2,300			
	4-100-033400-5230	\$6,500			
	4-100-043410-5230	\$900			
	4-100-043412-5230	\$3,000			
	4-100-043413-5230	\$5,740			
	4-100-043450-5230	\$600			
	4-100-053110-5230	\$20,120			
	4-100-035165-5230	\$4,460			
	4-100-053500-5230	\$3,800			
	4-100-053510-5230	\$200			
	4-100-071110-5230	\$275			
	4-100-071120-5230	\$3,400			
	4-100-071130-5230	\$476			
	4-100-071140-5230	\$6,087			
	4-100-071150-5230	\$670			
	4-100-071160-5230	\$300			
	4-100-073100-5230	\$20,290			
	4-100-081200-5230	\$11,600			
	4-100-081500-5230	\$3,000			
	4-100-081800-5230	\$700			
	4-100-083100-5230	\$3,800			
Contingency Reserve (Transfer)	4-100-091400-9999	\$25,677	John Marshall Soil & Water Conservation District	4-100-082400-5696	\$25,677
Contingency Reserve (Transfer)	4-100-091400-9999	\$13,500	County Administration	4-100-012110-3160	\$13,500
TOTAL		\$2,657,466			\$2,657,466

A PUBLIC HEARING TO CONSIDER THE AUTHORIZATION OF A COOPERATIVE CONDEMNATION OF THE ASSETS OF MARSHALL WATERWORKS II, INC.

A public hearing was held to consider the acquisition through cooperative condemnation of the assets of Marshall Waterworks II, Inc. in order to establish, in conjunction with the Fauquier County

Water and Sanitation Authority, a public water supply in Marshall. Kevin Burke, County Attorney, summarized the proposal. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COOPERATIVE CONDEMNATION OF THE ASSETS OF MARSHALL WATERWORKS II, INC.

WHEREAS, the County, the Fauquier County Water and Sanitation Authority, and Marshall Waterworks II, Inc. have agreed that the County is to acquire the assets of Marshall Waterworks II, Inc; and

WHEREAS, prior to the exercise of the power of eminent domain the County is required to conduct a public hearing; and

WHEREAS, the County has considered public comment with respect to the proposed acquisition of the assets of Marshall Waterworks II, Inc. and determined that the acquisition is in the interest of the public; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That the County Administrator and County Attorney be, and are hereby, authorized to take all necessary action to acquire the assets of Marshall Waterworks II, Inc. through the filing of appropriate pleadings and are authorized to execute such documents as are necessary to complete the acquisition.

PROPOSED TEXT AMENDMENT TO ZONING ORDINANCE SECTION 5-504

A public hearing was held to consider a Zoning Ordinance Text Amendment to Section 5-504 to eliminate the limitation of 300 students per school in residential districts. Mr. Graham summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

A PROPOSED ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-504 TO ELIMINATE THE LIMITATION OF 300 STUDENTS PER SCHOOL IN RESIDENTIAL DISTRICTS

WHEREAS, on June 29, 2006, the Planning Commission initiated this text amendment; and

WHEREAS, on July 27, 2006, after a public hearing, the Planning Commission forwarded the proposed text amendment to the Board of Supervisors unanimously recommending approval; and

WHEREAS, on September 14, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 14th day of September 2006, That Section 5-504 be, and is hereby, amended as follows:

5-504 Additional Standards for Primary School, Secondary/Advanced Schools and Technical Schools (Indoor)

1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:

A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades kindergarten through three (3) that may use the space at any one time, and

B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades four (4) through twelve (12) that may use the space at any one time. Such usable outdoor recreation shall be delineated on a plat submitted at the time the application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited in the same manner as paragraph 503.1.

2. All outdoor recreation areas shall be fully fenced.

3. The following standards shall apply to primary and secondary/advanced schools in residential zoning districts:

A. Minimum lot size shall be 5 acres.

~~B. The maximum number of students should not exceed 300.~~

~~€B.~~ All exterior lighting shall be designed and installed so that all direct rays are confined to the site and adjacent properties are protected from glare.

SPECIAL EXCEPTION AMENDMENT #SEAM07-LE-002 – FAUQUIER COUNTY SCHOOL BOARD, OWNER AND APPLICANT – CEDAR LEE MIDDLE SCHOOL

A public hearing was held to consider an application for a special exception amendment to construct a new media center and convert an existing media center into four (4) classrooms. The property is located off of Marsh Road (Route 17), Lee District, further identified as PIN 6899-13-9308-000, PIN 6899-13-7703-000, PIN 6899-23-3686-000, PIN 6899-23-6596-000, PIN 6899-23-7352-000, and PIN 6899-23-8175-000. Mr. Graham summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

**A RESOLUTION TO APPROVE SPECIAL EXCEPTION AMENDMENT
#SEAM07-LE-002 – CEDAR LEE MIDDLE SCHOOL**

WHEREAS, the Fauquier County School Board, applicant, is seeking Special Exception Amendment approval to allow for an addition to the existing Cedar Lee Middle School; and

WHEREAS, on August 31, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of the applications, subject to Conditions; and

WHEREAS, on September 14, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-500; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of September 2006, That SEAM07-LE-002 be, and is hereby, approved, subject to the following conditions:

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with this application, as qualified by these Development Conditions.
3. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
4. The applicant shall meet landscape and buffering requirements pursuant to the Zoning Ordinance.
5. No new structures shall be constructed or located within 100 feet of any adjoining property line, which is in a Rural or Residential zoning district.
6. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
7. The middle school shall be allowed in the Residential (R-4) Zoning District, per the request in Special Exception Amendment SEAM07-LE-002.
8. The applicant shall satisfy and meet the Virginia Department of Transportation (VDOT) requirements for school entrances.
9. Storm water management and Best Management Practices (BMPs) shall be required for the site.
10. With the approval of this Special Exception Amendment, future renovations, additions or minor improvements to school facilities shall be allowed to proceed as Site Plan Amendments.
11. The internal property lines shall be vacated prior to Site Plan approval.

With no further business, the meeting was adjourned at 7:32 PM.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on September 14, 2006.

*Paul S. McCulla
Clerk to the Board of Supervisors*